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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,321	01/31/2001	Greg Arnold	PALM-3564.US.P	9217

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EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 08/12/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/775,321

Applicant(s)

ARNOLD ET AL.

Examiner

Ming Chow

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10,12-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10,12-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Response to Amendment***

The amendment to the claims filed on 5-20-04 does not comply with the requirements of 37 CFR 1.121(c) because claim 22 was not indicated with an identifier. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) *Claims*. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. **In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).**

(1) *Claim listing*. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required*. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required*. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may

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have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

The Examiner waives the objection this time and interprets the identifier for the claim 22 is (Original). The Applicant must indicate an appropriate identifier for each claim in the future for all amendments.

### ***Drawings***

1. The drawings are objected to because proper legends were missing. A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 7-9, 12, 14-16, 18, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al (US: 6584490), and in view of Albal (US: 6668046).

For claims 1, 2, 5, 8, 9, 12, 15, 16, 18, 21, 22, regarding “receiving entry.....ending time”, Schuster et al teach on column 26 line 7-9 appointment book (claimed “electronic calendar program” entries (reads on “receiving entry”). Schuster et al teach on Fig. 13 the appointment has a starting and an ending time.

Regarding “receiving a.....palmtop computer”, Schuster et al teach on column 23 line 30-36 selecting an office number, or a cellular phone number, or a pager number for forwarding a call based on the scheduled time (claimed “time duration of the appointment”). The office number, cellular phone number, pager number, are destinations for a telephone call to a user who to receive the call at the destinations (see Table 1 on page 11 in the specifications of the current application).

Schuster et al failed to teach “the selection of the destination is in response to a receipt of a date book alarm prior to receiving the selection of a destination”. However, Albal teaches on column 3 line 10 to column 4 line 28 a user performs obtaining telephone numbers (claimed

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“receiving the selection of a destination”) in response to receiving reminders (claimed “date book alarm”) from the network at the PDA (see column 3 line 19-20).

Regarding “sending a.....ending time”, Schuster et al teach on column 8 line 30-38 downloading the profile (claimed “sending a message”) to the voice communication device (claimed “telephone call server”) to take calls as directed the user.

It would have been obvious to one skilled at the time the invention was made to modify Schuster et al to have the “the selection of the destination is in response to a receipt of a date book alarm prior to receiving the selection of a destination” as taught by Albal such that the modified system of Schuster et al would be able to support the receiving a response before the selection of the destination to the system users.

Regarding claims 7, 14, 20, Schuster et al teach on column 7 line 31-32 the link (between palmtop computer and telephone call server) is wireless.

3. Claims 3, 10, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al as applied to claim 2 above, and in view of Albal, Fuller et al (US: 6453164). Schuster et al in view of Albal as stated in claim 2 above failed to teach “the telephone.....routing profiles”. However, Fuller et al teach on column 69 line 57 to column 70 line 3 selecting a profile for routing calls. It would have been obvious to one skilled at the time the invention was made to modify Schuster et al, Albal to have the “the telephone.....routing profiles” as taught by Fuller et al such that the modified system of Schuster et al, Albal would be able to support the plurality of routing profiles to the system users.

4. Claims 6, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al as applied to claim 1 above, and in view of Albal, Chow et al (US: 6606505). Schuster et al in view of Albal as stated in claim 1 above failed to teach "the message comprises an HTML message". However, Chow et al teach on column 71 line 33-36 web page (claimed "HTML") includes phone numbers for calls to be forwarded. It would have been obvious to one skilled at the time the invention was made to modify Schuster et al, Albal to have the "the message comprises an HTML message" as taught by Chow et al such that the modified system of Schuster et al, Albal would be able to support the HTML message to the system users.

***Response to Arguments***

5. Applicant's arguments filed on 5/20/04 have been fully considered.
- i) Applicant argues, on pages 6-8, regarding "electronic assistant" and the limitation of "the selection of the destination is in response to a receipt of a date book alarm prior to receiving the selection of a destination", new grounds of rejections have been stated above.

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***Conclusion***

6. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Miner et al (US: 6047053) teach network based knowledgeable assistant.

7. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 703-872-9306.**

Patent Examiner

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Ming Chow



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

